

SECTION II—REMARKS

The following remarks are provided in response to the Office Action mailed May 2, 2006 in which the PTO:

- objected to claims 3-4, 11, and 14-16 because claims 3-4 and 11 depend on claim 2, and claims 14-16 depend on claim 13, but claims 2 and 13 are canceled.
- rejected claims 1-11 under 35 U.S.C. § 101 because they are directed to non-statutory subject matter.
- rejected claim 1 under 35 U.S.C. § 101 because it is directed to abstract method steps, and therefore directed to non-statutory subject matter.
- rejected claims 1-28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.
- rejected claims 1-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.
- rejected claims 1, 12, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over US 4,939,644 to Harrington et al. (“Harrington”) and in further view of US 5,315,500 to Uchishiba et al. (“Uchishiba”).
- rejected claims 5, 11, 13, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, and further in view of US 4,783,730 to Fischer (“Fischer”).

- rejected claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Harrington, in view of Uchishiba, in view of Fischer, and further in view of US 4,366,536 to Kohn (“Kohn”).
- rejected claims 6-9, 18-21, 25-26, and 30-31 under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, and further in view of US 6,567,862 to Saito (“Saito”).
- rejected claims 10, 22, 27, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, in view of Saito, and further in view of US 6,088,740 to Ghaffari et al.(“Ghaffari”).

The applicants respectfully request reconsideration of the above referenced patent application for the following reasons:

Claim 3-4, 11, and 14-16 objection to claims depending on canceled claims

Claims 3-4, 11, and 14-16 are objected to because claims 3-4 and 11 depend on claim 2, and claims 14-16 depend on claim 13, but claims 2 and 13 are canceled. Applicants have amended claims 3-4, 11, and 14-16 to depend on claims 1 or 12 as appropriate. Applicants respectfully request the withdrawal of objection to said claims in light of the current amendments.

Claim 1-11 rejection under 35 U.S.C. § 101

Claims 1-11 are rejected under 35 U.S.C. § 101 because they are directed to non-statutory subject matter. As to claim 1 specifically, the PTO asserts that “[t]he claimed steps [do] not define the **machine of computer implemented process** ...” Applicants have modified claims 1-11 accordingly. Specifically, applicants have modified the preamble of said claims to contain the phrase “**computer implemented method**.” Applicants respectfully request the withdrawal of rejection to claims 1-11 in light of the current amendments.

Claim 1 rejection under 35 U.S.C. § 101

Claim 1 is rejected under 35 U.S.C. § 101 because it is directed to abstract method steps, and therefore directed to non-statutory subject matter. Applicants respectfully request the PTO withdraw the rejection to claim 1 in light of the current amendment and the immediately preceding argument.

Claims 1-28 rejection under 35 U.S.C. § 112, second paragraph

Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claims 1, 12, 23, and 28 accordingly.

Claims 1-28 rejection under 35 U.S.C. § 112, first paragraph

Claims 1-28 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically as to claims 1, 12, 23, and 28, the PTO asserts that the following language was not described in the specification: “command includes a command, a memory address identifying a memory location to which the complete [sic] status will be written, and a value to be written upon completion of the command.” The PTO further points out that the “specification … describes an **operation [sic] descriptor** which includes …” Applicants have amended claims 1, 3-4, 12, 14-15, 23 and 28 appropriately to reflect the language “**operational descriptor(s)**” as disclosed in the original specification. Applicants respectfully request the PTO withdraw its rejection to claims 1-28 in light of the current amendments to claims 1, 3-4, 12, 14-15, 23 and 28.

Claims 1, 12, 23, and 28 rejection under 35 U.S.C. § 103(a)

Claims 1, 12, 23, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington and in further view of Uchishiba. The PTO asserts that “Harrington teaches the invention substantially as claimed” including (1) “a plurality of commands,” (2) “a controller,” and (3) “issuing a plurality of commands to a controller, wherein the commands are issued in a first order (col 2, ln 15-20), the completion status of commands is indicated in a second order.” With regard to element (3), applicant teaches and claims that operational descriptors containing the commands are “**issued in a first order**” and that “**the completion status**” of commands is indicated in a “**second order**” and that “**a completion status** of the command **will be written ... upon completion of the command.**” Refer to claim 1. In essence, applicants claim that completion status of a command is indicated upon completion of each command, as opposed to

indicating completion status upon the completion of a series or block of commands. In relation to this claim, the PTO cites Harrington, col 4, ln 50-55 teaching that “[o]nce a **complete sequence** of commands from any **control block list** has been performed, the registers **15** provide return information to the host CPU” meaning that an entire block of commands must finish execution prior to the subsequent notification of completion status of those commands. The PTO further cites Harrington, col 2, ln 22-25 and ln 26-30 teaching that “the I/O controller may be controlled to provide a **selected sequence of command list execution**” and that “[a]lternatively, an I/O controller may be arranged to **select a more efficient procedure** in which commands from several different command lists can be **executed in any desired optimized order**” meaning that commands may be executed out of their original order. What Harrington does not teach, however, is that commands which are “**issued in a first order**” can indicate their status in a “**second order ... upon completion of the command.**” The difference is important, as waiting for the “**complete sequence of commands**” to finish execution, as taught by Harrington, negates the benefits that applicants teach and have claimed. While Harrington, in pertinent part, teaches that commands may be executed in their original order (the “**selected sequence**”), or out of order (the “**optimized order**”), the PTO’s references in Harrington do not teach “**indicating the completion status of commands in a second order ... upon completion of the command**” as taught and claimed by the applicants. Further, the reference to Uchishiba provided by the PTO does not cure the deficiency of Harrington noted above.

In light of the missing element (3) from the primary reference Harrington, the clarification provided above, and the current amendments, applicants respectfully request the PTO withdraw its rejection to claims 1, 12, 23, and 28.

Claims 5, 11, 13, 16, and 17 rejection under 35 U.S.C. § 103(a)

Claims 5, 11, 13, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, and further in view of Fischer.

The references Uchishiba and Fischer do not cure the deficiency of Harrington as noted above.

In light of the missing element (3) from the primary reference Harrington, the clarification provided above, and the current amendments, applicants respectfully request the PTO withdraw its rejection to claims 5, 11, 13, 16, and 17.

Claims 3, 4, 14, and 15 rejection under 35 U.S.C. § 103(a)

Claims 3, 4, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington, in view of Uchishiba, in view of Fischer, and further in view of Kohn.

The references Uchishiba, Fischer, and Kohn do not cure the deficiency of Harrington as noted above.

In light of the missing element (3) from the primary reference Harrington, the clarification provided above, and the current amendments, applicants respectfully request the PTO withdraw its rejection to claims 3, 4, 14, and 15.

Claims 6-9, 18-21, 25-26, and 30-31 rejection under 35 U.S.C. § 103(a)

Claims 6-9, 18-21, 25-26, and 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, and further in view of Saito.

The references Uchishiba, Fischer, and Saito do not cure the deficiency of Harrington as noted above.

In light of the missing element (3) from the primary reference Harrington, the clarification provided above, and the current amendments, applicants respectfully request the PTO withdraw its rejection to claims 6-9, 18-21, 25-26, and 30-31.

Claims 10, 22, 27, and 32 rejection under 35 U.S.C. § 103(a)

Claims 10, 22, 27, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Uchishiba, in view of Saito, and further in view of Ghaffari.

The references Uchishiba, Saito, and Ghaffari do not cure the deficiency of Harrington as noted above.

In light of the missing element (3) from the primary reference Harrington, the clarification provided above, and the current amendments, applicants respectfully request the PTO withdraw its rejection to claims 10, 22, 27, and 32.

New Claims 33-34

In claims 33-34, the applicants recite a method whereby commands that are issued to a controller are executed and their completion status is indicated in a different order than that in which the commands were issued, and importantly, that the completion status is indicated "as each command completes." In light of the clarification above over the prior art of Harrington with respect to claims 1, 12, 23, and 28, applicants respectfully request that the PTO consider new claims 33 and 34.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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Date:

09/01/06

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